UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,625	11/24/2003	Ki Chul Cha	0465-1077P	1292

2292 7590 01/09/2007

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
PATEL, RITA RAMESH	
ART UNIT	PAPER NUMBER
1746	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	01/09/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/09/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/718,625	CHA ET AL.	
	Examiner	Art Unit	
	Rita R. Patel	1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,14 and 15* is/are pending in the application.

4a) Of the above claim(s) *2,4-13 and 16-19* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,14 and 15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

Acknowledgement has been made of applicant's claim for priority under 35 U.S.C. 119. This application claims the benefit of the Korean Application No. P2002-0073613 filed on November 25, 2002.

Drawings

The drawings received 11/24/03 are acceptable for examination purposes.

Election/Restrictions

Claims 4-13 and 16-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction requirement in the reply filed on 12/4/06.

Re applicant's arguments that the two groups are not independent and thus not restrictable, the Office notes that for the purpose of restriction "independent" and "distinct" must be considered together. Clearly for reasons already recorded, the process and apparatus are distinct; process and apparatus for its practice can be shown to be distinct inventions, if either or both of the following can be shown: (A) that the process as claimed can be practiced by another materially different apparatus or by

hand; or (B) that the apparatus as claimed can be used to practice another materially different process (MPEP 806.05(e)).

Applicant fails to adequately rebut prima facie case for restriction. See the following excerpt from the MPEP 802.01:

> "A large number of inventions between which, prior to the 1952 Act, division had been proper, are dependent inventions, such as, for example, combination and a subcombination thereof; as process and apparatus used in the practice of the process; as composition and the process in which the composition is used; as process and the product made by such process, etc. If section 121 of the 1952 Act were intended to direct the Director never to approve division between dependent inventions, the word "independent" would clearly have been used alone. If the Director has authority or discretion to restrict independent inventions only, then restriction would be improper as between dependent inventions, e.g., the examples used for purpose of illustration above. Such was clearly not the intent of Congress. Nothing in the language of the statute and nothing in the hearings of the committees indicate any intent to change the substantive law on this subject. On the contrary, joinder of the term "distinct" with the term "independent", indicates lack of such intent. The law has long been established that dependent inventions (frequently termed related inventions) such as used for illustration above may be properly divided if they are, in fact, "distinct" inventions, even though dependent."

Therefore, the Office maintains its original restriction requirement over groups I and II because said groups are distinct. Group I, claims 1-3, are drawn to an apparatus classified in class 134, subclass 56D and Group II, claims 4-13, are drawn to a method classified in class 134, subclass 18. Groups I and II are distinct because the apparatus claims of Group I can be used to practice another and materially different process which does not require determining if a cycle mode selected by the user is in the dishwashing mode. For example, the apparatus can be used in other mode cycles such as a rinse

mode of the dishwasher in order to soften the water. Thus claims 4-13 and 16-19 are withdrawn from further consideration.

This application contains claims drawn to an invention nonelected with traverse in. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 14 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Crisp, III herein referred to as "Crisp" (US Patent No. 6,799,085).

Crisp discloses an appliance supply distribution and dispensing system whereby a computerized system monitors the supply level(s) and, when necessary, automatically orders and delivers additional supplies (Abstract). Crisp addresses the common issue that many households in the United States and throughout the world use supplies or appliance supplies on a daily basis in connection with appliances such as dishwashing machines; to maintain an adequate supply of appliance supplies, consumers must continuously supply their homes with various packaged products. This task can be

relatively burdensome, Crisp elaborates, in part because the appliance supply containers are often heavy, occupy substantial space, and the cost in time spent in purchasing and implementing such appliances can be significant. Henceforth proving beneficial Crisp's invention for providing an appliance supply distribution and dispensing system which solves aforementioned problems by enabling users to obtain one or more supplies for an appliance, and which tracks, orders and delivers/distributes the products or supplies used or dispensed by the appliances (col. 1, lines 52-67; col. 2, lines 1-13). Furthermore, Crisp teaches an order processing system(s) 14 (controlling part), an appliance computer/supply dispensing computer (memory part), and a user interface panel or terminal 34 (input part) which is preferably a conventional touch screen adapted to display a plurality of interfaces. Alternatively, other user interfaces such as selections, buttons, lights, indicators, or other suitable mechanical or electronic devices (knob) may be used in conjunction with the present invention. The user panel is adapted to display a plurality of interfaces to the user as illustrated in Figures 4A through 4J. The user can use the interface or interface panel 34 or other devices (knob) to cause the appliance to use a supply or product; one of ordinarily skill in the art at the time of the invention would at once envisage the apparatus of Crisp performing functionally responsive to supply mechanisms via a knob, specifically for the purpose of integration of water softening supplies. Crisp acknowledges the requirement for supplying additives to said dishwashing machines and controlling the hardness level of the water in such a machine is known in the art; hard water is known to clog pipes and to complicate soap and detergent dissolving in water, therefore utilizing the controlled

dispensing system of Crisp aids in overcoming common issues formed by hard water. Water softening by the addition of a water softening agent, for example salt water, is a known water softening technique and is capable of being performed by the apparatus of Crisp because the machine of Crisp provides controlled distribution for said dishwashing machine.

Additionally, re claims 1, 3, 14, and 15, applicant's "for" language is merely the intended use of the apparatus; the limitations immediately following such "for" language is not required by the apparatus, nor do these limitations provide any further structural delineation for applicant's invention. For that reason, such language is not given significant patentable weight, as it is merely applicant's intended use for the apparatus and does not provide any further distinguishable structure.

Re claims 3 and 15, applicant's "if" language does not require any further structural limitations to applicant's invention; moreover, it does not require that such a step is necessitated. It merely ensues that if such a step is performed (knob is turned to the right) a subsequent action will occur, but it does not require that said step is performed (knob is turned to the right). The Office's interpretation of such a step is not required by its currently written claim form.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita R. Patel whose telephone number is (571) 272-8701. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RRP

MICHAEL BARR
SUPERVISORY PATENT EXAMINER